

1
2
3
4

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

8 HSBC BANK,
9 Plaintiff,
10 v.
11 LILIA MADAMBA, *et al.*,
12 Defendants.
No. C-12-2068 EMC
ORDER REMAND
COURT

ORDER REMANDING CASE TO STATE COURT

15 Previously, the Court issued an order instructing Defendants to show cause why this case
16 should not be remanded to state court. *See* Docket No. 13 (order). Defendants filed their response
17 on September 24, 2012. *See* Docket No. 14 (response). Having reviewed the response, the Court
18 hereby finds that Defendants have failed to show cause.

19 First, Defendants have failed to show that this Court has subject matter jurisdiction over what
20 appears to be an unlawful detainer action only. To the extent Defendants argue that there is federal
21 question jurisdiction because they have federal claims or defenses against Plaintiff, that argument is
22 without permit because federal question jurisdiction depends on the contents of the plaintiff's
23 well-pleaded complaint and may not be predicated on the defendant's counterclaims or defenses.

²⁴ See *Holmes Group, Inc. v. Vornado Air Circulation Systems, Inc.*, 535 U.S. 826 (2002); *ARCO Env'tl. Remediation, L.L.C. v. Department of Health & Env'tl. Quality of St. of Mont.*, 213 F.3d 1108, 1113 (9th Cir. 2000).

27 Second, Defendants have not pointed to any authority, and the Court is not aware of any
28 authority, which would allow this Court to exercise jurisdiction over a state court judgment. *See*

Kougasian v. TMSL, Inc., 359 F.3d 1136, 1139 (9th Cir. 2004) (noting that, under the Rooker-Feldman doctrine, a federal district court is barred “from exercising subject matter jurisdiction over a suit that is a de facto appeal from a state court judgment”).

4 Accordingly, the Court hereby **REMANDS** this case to state court. The Clerk of the Court
5 shall enter judgment in accordance with this order and close the file in this case.

7 IT IS SO ORDERED.

Dated: October 3, 2012


EDWARD M. CHEN
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

HSBC BANK,

Plaintiff,

V.

LILIA MADAMBA et al,

Defendant.

Case Number: CV12-02068 EMC

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

11 That on October 3, 2012, I SERVED a true and correct copy(ies) of the attached, by placing said
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
located in the Clerk's office.

Lilia Flores Madamba
c/o 32 Alisal Court
Pacifica, CA 94044

Rowen Madamba
c/o 32 Alisal Court
Pacifica, CA 94044

Dated: October 3, 2012

Betty Lee

**Richard W. Wieking, Clerk
By: Betty Lee, Deputy Clerk**